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DIRECTORATE OF LEGAL RESEARCH
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Re: LL File No.2002-13348

June 18, 2002

Dear Ms. Lee:

In response to your recent request, enclosed is a short report on adoption in Cambodia. The Law Library does not at present have a Cambodian law specialist on staff; the report is based on materials on file and from the Internet. Under current law and practice, adoption appears to be an administrative procedure. The information at hand covers only the adoption of orphans, and for that type of case, the Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation is always involved. It is hoped the information will be of use to you. Please do not hesitate to contact the Law Library again for further assistance.

Sincerely,

Constance A. Johnson
Senior Legal Research Analyst

Enclosure

Ms. Elizabeth N. Lee
Immigration and Naturalization Service
Office of Adjudications
425 I St. NW, RM 3040

2002-13348

ADOPTION IN CAMBODIA

A full, current law on adoption in Cambodia is not available in the Law Library's English-language collection of materials on Cambodian law. In the absence of a legal specialist with expertise in the law and the language of the country, information on the subject has been gathered from a number of secondary sources of information on law and procedure and summarized here.

Information from the Cambodian Embassy

According to a document issued by the Ministry of Foreign Affairs and International Cooperation (MFAIC),¹ a new procedure was established in March 2001 for the adoption of Cambodian orphans. Adoptive parents must be 25-55 years old if married and 40-50 years old if single. They must have no more than two children before the adoption and may adopt only two. Five originals of the application form must be submitted to the MFAIC (for foreign adoptions) through diplomatic and consular missions. The application form must include:

- approval letter from a competent authority in the adoptive parent's home country;
- home study done by a competent authority recognized by the government;
- copy of birth certificate of any prospective parent;
- copy of marriage or divorce certificate or a certificate of celibacy;
- medical certificate;
- psychological report issued by a psychiatrist recognized by the government of the adoptive parent;
- certificates of a lack of criminal record, of good behavior in the work place and society, and of financial standing, issued by the competent authorities;
- letters promising to respect the rights of the adopted child, including the right to his or her own heritage, to provide education, and to keep Cambodian authorities informed on the child's progress;
- photos taken within the last two months of the prospective parent or parents;
- copy or copies of the passports of the parent or parents; and
- a note from the parent's diplomatic or consular mission certifying that all the documents are authentic.

Once the Cambodian government agrees to the request to adopt a child, the MFAIC will inform the parents that they should choose the child in the list of orphans maintained by the Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation (MSALVTY). The parents are permitted to see the child at an orphanage before making a final decision.

When the government agrees to the specific request, the MSALVTY will issue a certificate of adoption to the adoptive parents. At least one parent must come to receive the child in the presence of MSALVTY officials; third party adoption procedures are not permitted.

¹ No. 524 MFA-IC/LCS, provided by the Royal Embassy of Cambodia via fax on Dec. 19, 2001.

Adoptive parents are obliged to send an annual report on the child until he or she reaches the age of 18. The report, which must be certified by a competent authority, is sent to the MSALVTY, with a copy to the embassy of Cambodia in the adoptive parent's country. Adoptive parents are responsible for the expenses incurred for the child's passport and travel and in addition are required to give a donation to the MSALVTY for the benefit of Cambodian orphans (art. 6 of the document).

Information from the Embassy of the United States in Cambodia²

The Consular Section of the U.S. Embassy in Phnom Penh has posted information on adoption in Cambodia on its website. After a one-year moratorium, international adoptions resumed in March 2001. However, there has been little progress in addressing issues of fraud in connection with the process of adoption. On December 21, 2001, an immediate suspension of processing of adoption petitions for children from Cambodia was announced. The Embassy in Bangkok, Thailand, which had been processing Cambodian adoption cases, will no longer do so.

Information from the State Department³

The U.S. State Department makes information on foreign adoption available on a country-by-country basis on its website. The Cambodia page, updated February 15, 2002, states that the Department has decided to maintain the suspension of adoptions and has sent a joint (INS and State Department) senior-level task force to explore the possibility of establishing a special humanitarian program for certain families affected by the December 21 suspension.

Information from Adoption Agencies

The Alliance for Children maintains a program of adoption from Cambodia. Information on the process is posted on the organization's website.⁴ According to this organization, infants and children up to the age of 8 may be adopted; in some cases twins or other sibling pairs are available. Generally the children are well cared for in the orphanage with which the program has contacts. The children have been either abandoned or relinquished by their birth parents and are tested for Hepatitis B and HIV. The information on who is eligible to adopt, including age limits, matches what the Cambodian Ministry document states. Prospective parents are advised to apply the U.S. Immigration and Naturalization Service for advanced approval to be eligible to adopt from Cambodia, to satisfy the laws of their home state, to complete a home study by a licensed social worker, and to have all the documents required by Cambodia notarized. The agency states that preparing the home study and other documents and obtaining INS approval takes about three months, approval from the Cambodian government may take another one to three months, there is another two to four month wait from when the individual child is assigned, and one parent must go to Cambodia and stay about one week to complete the procedure. The agency also points out that most of those available for adoption are male.

² <http://usembassy.state.gov/cambodia/www/b0007.htm>.

³ http://travel.state.gov/adoption_cambodia.html.

⁴ <http://www.allforchildren.org/cambodia.htm>.

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Adopt International is another organization that facilitates Cambodian adoptions.⁵ Its website repeats much of the same information, stating that children from about six months of age and older are available and that most of them are male. It also states that most of them are classified as orphans due to the death of parents or to abandonment. However, it also states, apparently in ignorance of the March 2001 Ministerial document, that Cambodia has no formal age criteria for adoptive parents.

Other organizations have posted less complete information on the process. One states that couples with no other children who wish to adopt an infant may not specify the gender of the child they wish to adopt, while those with at least one male child may specify a female infant. Families with at least one female child, according to this source, must be willing to adopt a male infant or an older female child.⁶ Another organization estimates the cost as between \$9,000 and \$12,000, including travel costs and fees.⁷

Note that information posted by all of the private adoption organizations is not documented and ought not to be considered official or authoritative.

Prepared by Constance A. Johnson, Senior Legal Research Analyst
Legal Research Directorate
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⁵ [Http://www.adopt-intl.org/cambodia.htm](http://www.adopt-intl.org/cambodia.htm).

⁶ [Http://www.mapsofadopt.org/cambodia/index.htm](http://www.mapsofadopt.org/cambodia/index.htm).

⁷ [Http://www.pages.infinit.net/sfuf/english/cambodge.htm](http://www.pages.infinit.net/sfuf/english/cambodge.htm).